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SUMMARY RECORD OF THE 65th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 9 March 1994, at 3 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Consideration of draft resolutions and decisions under agenda item 12 (continued)

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GE.94-12311 (E)

The meeting was called to order at 3.15 p.m

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEM 12 (continued) (E/CN.4/1994/L.40, L.77, L.78, L.79, L.80, L.81, L.82, L.83, L.84, L.85/Rev.1, L.86/Rev.1, L.87, L.90, L.91, L.93/Rev.1, L.93, L.96, L.97, L.99, L.100, L.101/Rev.1 and L.102)

Draft resolution E/CN.4/1994/L.81 (Situation of human rights in the Islamic Republic of Iran)

1. Mr. MEGALOKONOMOS (Observer for Greece), introducing draft resolution E/CN.4/1994/L.81 on behalf of the members of the European Union and other countries, said that the draft reflected the Commission's deep concern at the continuing human rights violations in Iran, as described in the Special Rapporteur's report (E/CN.4/1994/50): numerous executions and cases of torture, lack of due process, discrimination against certain groups of citizens because of their religious beliefs, especially the Baha'i community and certain Christians, restrictions on freedom of expression, thought and opinion and discrimination against women. In paragraph 7 the Commission expressed regret that the Government of the Islamic Republic of Iran had still not permitted the Special Representative to visit the country; in paragraph 9 it called upon the Government to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative and in paragraph 10 it called upon the Government to comply with international instruments on human rights. It also decided to extend the mandate of the Special Representative (para. 12) and called upon the Government to cooperate fully with the Special Representative (para. 13).

2. Mr. LEBAKINE (Secretary of the Commission) announced that Australia and Iceland had become sponsors of the draft resolution.

3. Mr. NASSERI (Islamic Republic of Iran) said that, although draft resolution E/CN.4/1994/L.81 had been drafted in total secrecy, it was filled with requests for cooperation, or to be exact, the cooperation of the Iranian Government with the Commission. That seemed to be a one-way conception of cooperation. The approach itself clearly indicated that the sponsors' objectives were purely political. First of all, the draft resolution was based on an erroneous interpretation of certain parts of the Special Representative's report, whose meaning had been deliberately distorted. The single allegation in the report which the Special Representative found as a reason for continued monitoring was the number of executions in Iran. However, the overwhelming majority of those executions related to drug traffickers, and the fact that only a very small number of ordinary criminals had been executed showed that capital punishment was applied only for extremely serious crimes, which was in conformity with established criteria. Although aware of the magnitude of the drug traffic problem in Iran, the Special Representative did not believe in capital punishment for drug traffickers, a personal conviction that the Iranian Government did not share. The Special Representative was also critical of the Islamic Penal Code and referred to it in the section on torture and inhuman and degrading treatment. That issue related to all Islamic countries, however, since all of them, and not only Iran, applied punishment under Islamic law.

4. Under another heading, the Special Representative characterized differences in the situation of women and men in Iran as discrimination. There was a divergence between the Islamic and Western views on the matter, but it was clear beyond any doubt that Islamic societies and Muslim Governments would not change their national legislation in the relevant areas just because other Governments believed otherwise. Nothing would be gained, therefore, by criticizing Islamic law in the context of castigating Iran. It would be preferable to deal with the problem as part of a constructive dialogue between schools of thought - philosophical and religious - and, of course, without paranoia.

5. The allegation that due process of law was not fully observed in Iran was based on isolated cases. If monitoring of the human rights situation in Iran was justified only by such allegations, on the basis of reports from sources such as Amnesty International at least 82 countries in the world, including some of the sponsors of the draft resolution, should be under the Commission's monitoring mechanism. Naturally, for political reasons, the international community had chosen to direct its criticisms at Iran. The Iranian Government was aware of the shortcomings in Iran, particularly with regard to the administration of justice, but it was trying to redress them, and even the report of the Special Representative attested to positive developments in that area.

6. The draft resolution's criticism of Iran with regard to freedom of the press was particularly unfair. Even foreign observers of the Iranian scene had noted that the situation of the press was generally satisfactory and certainly much better than in most countries in the region. On the question of the Baha'is, dear to the hearts of the sponsors, it was worth mentioning that Baha'ism had originated in Iran in the mid-nineteenth century, through the direct machinations of the then-dominant colonial Powers in Iran, Tsarist Russia and Great Britain. Baha'ism was in fact a political movement disguised as a religion. The ideas advocated by the members of that community, which was presented as a religious minority in the draft resolution, should be given careful examination. As individuals, however, the Baha'is were certainly entitled to freedom of conscience and belief and enjoyed all the guarantees provided for in the Iranian Constitution.

7. The draft resolution represented a rather precipitate change in attitude that had taken place soon after the Madrid Conference, because of Iran's pessimism towards the so-called Middle East peace process. Recent developments clearly vindicated that pessimism. For that reason, ever since the Commission's forty-eighth session Iran had been the subject of long and unjustified resolutions, prepared in a closed circuit by the same sponsors, year after year.

8. The CHAIRMAN reminded the representative of the Islamic Republic of Iran that the general debate on item 12 was over and asked him to conclude his statement.

9. Mr. NASSERI (Islamic Republic of Iran), resuming his statement, said he regretted that the draft resolution, which was far removed from reality, was contrary to the objectives of United Nations activities for the protection and promotion of human rights and did not lend itself to the establishment of

genuine and meaningful cooperation with Iran. Until the countries of the Western Group, the sponsors of the draft resolution, opted for an approach in consonance with genuine cooperation for meaningful protection of human rights, they would have little justification for preaching at anyone else. The day they became so humble as to preach what they practised or practise what they preached would be a happy day for all of humanity and, he supposed, for the work of the Commission.

10. Mr. LEBAKINE (Secretary of the Commission), referring to the administrative and programme-budget implications of draft resolution E/CN.4/1994/L.81, informed the Commission that the activities covered by the draft came within the scope of the Organization's ongoing activities. Resources would, therefore, be provided under section 21 (Human Rights) of the proposed programme budget for 1994-1995.

11. At the request of the representative of Iran, a vote was taken by roll-call on draft resolution E/CN.4/1994/L.81.

12. India, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Austria, Barbados, Brazil, Canada, Chile, Costa Rica, Ecuador, Finland, France, Italy, Germany, Japan, Malawi, Mauritius, Mexico, Netherlands, Peru, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bangladesh, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Pakistan, Sudan, Syrian Arab Republic.

Abstaining: Angola, Bulgaria, Cameroon, Colombia, Côte d'Ivoire, Cyprus, Gabon, Guinea Bissau, Kenya, Lesotho, Mauritania, Nigeria, Poland, Republic of Korea, Romania, Sri Lanka, Togo, Tunisia, Uruguay.

13. Draft resolution E/CN.4/1994/L.81 was adopted by 22 votes to 11, with 19 abstentions.

Draft resolution E/CN.4/1994/L.82 (Situation of human rights in Iraq)

14. Mr. MEGALOKONOMOS (Observer for Greece), introducing draft resolution E/CN.4/1994/L.82 on behalf of the sponsors, which included the member States of the European Union, said that the draft basically reproduced the text of Commission resolution 1993/74 and was based on the conclusions and recommendations contained in the report of the Special Rapporteur on Iraq (E/CN.4/1994/58). In the resolution, the Commission regretted that the Government of Iraq had not seen fit to respond to the formal request of the Special Rapporteur to visit Iraq and expressed concern at the exceptional gravity of the human rights situation in Iraq. It condemned the massive violations of human rights, listed in paragraph 2, for which the Government of Iraq was responsible. It demanded that the Government of Iraq should take steps to ensure the recognition of human rights of persons belonging to

minorities, in particular the Kurds (para. 8). It requested the Secretary-General, in consultation with the Special Rapporteur, to take the necessary measures in order to send human rights monitors to Iraq (para. 11) and decided to extend for a further year the mandate of the Special Rapporteur (para. 12). He hoped that the draft resolution would receive broad support. There was a slight error in the fifth preambular paragraph, the figure mentioned should be 688 and not 588.

15. Mr. LEBAKINE (Secretary of the Commission) announced that Australia, the Czech Republic, Iceland, Slovakia, Sweden and the United States had become sponsors of the draft resolution.

16. Mr. ALKADHI (Observer for Iraq) said that, regrettably, the countries of the Western bloc were once again using the Commission, through a draft resolution, to criticize Iraq on the pretext of defending human rights. However, his delegation reaffirmed Iraq's determination to refuse to be blackmailed in the name of human rights. As everyone knew, the Iraqi people were suffering terribly from the unfair economic embargo being imposed by the West. The sponsors of the draft were very careful to avoid mentioning it, because blaming everything on the Iraqi Government served their political aims, which was not surprising on the part of countries with a particularly heinous colonial past. The draft resolution was based on information, mostly erroneous, drawn from the report of the Special Rapporteur, who had himself collected his information from third parties hostile to Iraq. It was part of a plot to destroy Iraq and prolong the Iraqis' suffering. The paragraph on the Kurds, in particular, contained false information, for it was not the Iraqi Government that was responsible for the shelling in question, but neighbouring countries waging an active campaign against certain terrorists. The allegations that Iraq was using poison or similar gas or bacteriological weapons were just as fallacious, and had been invalidated by the Special Committee responsible for investigating the question, whose report to the General Assembly was not even mentioned in the draft. That was another indication that the objectives of the draft resolution were basically political. The people of the southern marsh area were able fully to exercise their rights and were given special assistance by the State.

17. The idea of deploying a team of human rights monitors in Iraq had been rejected over and over again by the countries of the third world, for it represented an attack on national sovereignty and interference in the internal affairs of States. Iraq was also being blamed for the deterioration in the health situation in the country, whereas everyone knew that that was basically due to the embargo and that Iraq had abided by the terms of Security Council resolution 688 (1991). The sponsors of the draft also emphasized what they called internal embargoes in order to distract the international community's attention from the particularly destructive effects of the international embargo and discourage everyone in favour of the embargo being lifted from exerting pressure to that end. Iraq was also called upon to cooperate with the international humanitarian organizations, but it was not for the Commission to make such a request, especially as Iraq had provided the United Nations with all the necessary facilities for implementing its humanitarian programme. The humanitarian aid given to Iraq had enabled it to cover only 1 per cent of the people's needs and, clearly, the best way to help the people would in fact be to lift the international embargo.

18. The entire draft resolution was aimed at levelling mostly unfounded accusations against Iraq. Indeed, that was why references were made to Security Council resolutions 706 (1991) and 712 (1991), which dealt with questions completely unrelated to human rights and undermined the principle of Iraq's sovereignty over its territory and natural resources. The text of the draft showed glaring hostility towards Iraq, and his delegation asked the Commission to reject it, for its sole purpose was to promote the political interests of certain countries under the guise of human rights.

19. Mr. LEBAKINE (Secretary of the Commission), presenting the administrative and programme-budget implications of draft resolution E/CN.4/1994/L.82, said that the cost of the activities involved was estimated at $223,400 and would be financed from existing allocations for the Economic and Social Council mandates under section 21 (Human Rights) of the proposed programme budget for the biennium 1994-1995.

20. Mrs. LUKUDU (Sudan), speaking in explanation of vote before the vote on draft resolution E/CN.4/1994/L.82, said that the ninth preambular paragraph contained some unjustified allegations, especially as Iraq had complied with the Security Council's requirements regarding the elimination of weapons of mass destruction. The proposals contained in the thirteenth preambular paragraph and in paragraph 6 also represented flagrant interference in the internal affairs of Iraq. Her delegation feared that the resolution, as worded, would be used for political purposes by other United Nations bodies to ensure that international sanctions against Iraq were maintained. She therefore requested that the draft resolution should be put to a vote and said that she would vote against it.

21. At the request of the representative of the Sudan, a vote was taken by role-call on draft resolution E/CN.4/1994/L.82.

22. Hungary, having been drawn by lot by the Chairman, was called upon to vote first.

In favour:	Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, Indonesia, Iran (Islamic Republic of), Italy, Japan, Malawi, Mauritius, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Russian Federation, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela.
Against:	Sudan.
Abstaining:	Angola, Bangladesh, Cameroon, China, Côte d'Ivoire, Cuba, Guinea-Bissau, India, Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Togo and Tunisia.

23. Draft resolution E/CN.4/1994/L.82 was adopted by 34 votes to 1, with 18 abstentions.

Draft resolution E/CN.4/1994/L.83 (Situation of human rights in China)

24. Mr. MEGALOKONOMOS (Greece), introducing the draft resolution on behalf of its sponsors, said that its main purpose was to acknowledge some positive developments in the human rights situation in China, while noting that the situation was far from satisfactory and cause for concern persisted. It was a legitimate expression of concern and did not at all reflect a desire by the Commission to interfere in a State's internal affairs. A slight change had been made in the text; in paragraph 2, the word "full" had been deleted.

25. Mr. LEBAKINE (Secretary of the Commission) announced that Australia, Canada, Finland, Iceland, Japan and Liechtenstein had become sponsors of the draft resolution.

26. Mr. JIN Yongjian (China), referring to rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, moved that the Commission should take no action on draft resolution E/CN.4/1994/L.83. Despite undeniable progress in the situation in China, the Western countries were continuing to submit identically-worded draft resolutions, the real purpose of which was to undermine the country's economic development. As to the criticisms of China for the situation in Tibet, not only was Tibet an integral part of Chinese territory, but all the allegations came from Tibetan separatists and non-governmental organizations that were relentlessly hostile to China. In fact one of the main causes of underdevelopment had been aggression and looting by the imperialist nations, and some of the sponsors of the draft resolution had a special responsibility in that regard. The Chinese Government and people would always rise up against any attempt to vilify China on the pretext of human rights. Given the frivolous and unjustified nature of the draft resolution, he asked for a vote to be taken by roll-call on his motion.

27. Mr. PEREZ NOVOA (Cuba) endorsed the Chinese proposal. The human rights situation in China was not of a serious nature, and the draft resolution was based solely on political reasons.

28. Mr. LEMINE (Mauritania) said that it would be unfair not to commend the Chinese Government for the many positive results achieved in the economic, political and social areas, and that China's progress towards reform should not be impeded. China had always cooperated with the Commission, which should help it to conduct its reform process. Mauritania was therefore in favour of the Commission taking no action on the draft resolution.

29. Mr. KHOURY (Syrian Arab Republic) endorsed that position.

30. Mrs. FERRARO (United States of America) said that the draft resolution was important and should be judged on substance. The Commission must take a decision on the situation with regard to freedom of expression, religion, assembly, association and the right to due process, and not simply avoid the issue. She questioned whether the Commission should reserve special treatment for China just because it was a big country with a strong trade potential. The Commission was duty-bound to support all victims of human rights violations, anywhere in the world. If a vote was taken on the matter, the United States would vote against.

31. Mr. STEEL (United Kingdom) said he agreed that it was important to vote on the substance of the question, if only to preserve the Commission's credibility. One of the main criticisms levelled at the Commission was that it was selective in its decisions. Some claimed that the Commission would not dare to rise up against powerful countries. A vote on substance rather than a procedural issue would be a categorical denial of that criticism. Draft resolution E/CN.4/1994/L.83 was couched in very moderate terms and there was nothing to prevent the Commission examining it as to substance. He therefore rejected the proposal that the Commission should take no decision on the draft resolution.

32. Mr. FASEHUN (Nigeria), Mr. GOONETILLEKE (Sri Lanka), Mr. KAMAL (Pakistan) and Mr. TABATABAEE (Islamic Republic of Iran) all expressed the view that the draft resolution did not reflect the actual situation in China and endorsed the proposal that the Commission should take action on it.

33. At the request of the representative of China, a vote was taken by roll-call on the proposal that the Commission should take no action on draft resolution E/CN.4/1994/L.83.

34. Mauritania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Bangladesh, Cameroon, China, Côte d'Ivoire, Cuba, Gabon, Hungary, Indonesia, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Togo.

Against: Australia, Austria, Bulgaria, Canada, Costa Rica, Finland, France, Germany, Guinea-Bissau, Hungary, Italy, Japan, Netherlands, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Barbados, Brazil, Chile, Colombia, Cyprus, Ecuador, Lesotho, Malawi, Mauritius, Mauritania, Peru, Poland, Republic of Korea, Romania, Tunisia, Uruguay, Venezuela.

35. The proposal that the Commission should take no action on draft resolution E/CN.4/1994/L.83 was adopted by 20 votes to 16, with 17 abstentions.

Draft resolution E/CN.4/1994/L.40 (Situation of human rights in Jammu and Kashmir)

36. Mr. NASSERI (Islamic Republic of Iran) said that following talks at the highest level between Iran and Pakistan and in view of India's decision to enable a delegation of Muslim countries to visit Jammu and Kashmir, he was requesting that Pakistan should withdraw draft resolution E/CN.4/1994/L.40. The question would be postponed to a later session of the Commission. His country would continue to make every effort to help find an acceptable solution.

37. Mr. JIN Yongjian (China) pointed out that China, as a neighbour of the two protagonists, maintained friendly relations with both. In the interest of good neighbourliness and of all the parties, China endorsed Iran's proposal and appealed to the members of the Commission to support it.

38. Mr. KHOURY (Syrian Arab Republic), Mr. BRODODININGRAT (Indonesia), Mr. SIRAT (Malaysia), Mr. ENNACEUR (Tunisia), Mr. LEMINE (Mauritania), Mr. CABRAL D'ALMADA (Guinea-Bissau), Mr. FASEHUN (Nigeria), Mrs. EL HAJJAJI (Libyan Arab Jamahiriya), Mr. ALBERTO GONZALEZ (Colombia), Mrs. MALUWA (Malawi), Mr. HELLER (Mexico), Mr. VERGNE SABOIA (Brazil) and Mr. RHENAN SEGURA (Costa Rica), referring to the friendly relations their countries maintained with both Pakistan and India, and expressing their preference for a bilateral settlement of the question, endorsed the proposal by the representative of the Islamic Republic of Iran.

39. Mr. BUTLER (Australia) said that the question was broader and more objective than one of friendly relations with both countries, and it was on that basis that he was responding to the Iranian representative's appeal. The situation in Jammu and Kashmir was certainly disturbing, but in the present circumstances bilateral negotiations were the method most likely to lead to a satisfactory settlement.

40. Mr. AKHUND (Pakistan) said that, after listening closely to the representative of Iran and all the speakers who had referred to their friendly relations with both countries, he was convinced by their statements and would abide by their opinion. Pakistan therefore agreed to withdraw its draft resolution.

41. The CHAIRMAN noted that draft resolution E/CN.4/1994/L.40 had been withdrawn and suggested that the question should be postponed to a later session.

42. It was so decided.

Draft resolutions E/CN.4/1994/L.84 and L.85/Rev.1 (Situation of human rights in the Republic of Bosnia and Herzegovina and Situation of human rights in Kosovo)

43. Mr. MALGINOV (Russian Federation), speaking on a point of order, said that the Commission had recently adopted, by consensus, draft resolution L.80, "Situation of human rights in the territory of the former Yugoslavia: violations of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)", which reflected all the aspects of the human rights situation in the former Yugoslavia. Draft resolutions L.84 and L.85/Rev.1 reproduced the contents of resolution L.80; his delegation asked the Commission to give up considering the draft resolutions in the interest of rationalizing its work.

44. Mr. KAMAL (Pakistan), speaking on a point of order, said he did not believe that the Commission's usual procedure was to decide whether to consider a document before the document had been introduced.

45. The CHAIRMAN pointed out that the Russian delegation's request was based on rule 65, paragraph 1, of the rules of procedure of the functional commissions of the Economic and Social Council, which stated, "If two or more proposals, other than amendments, relate to the same question, they shall, unless the Commission decides otherwise, be voted on in the order in which they were submitted".

46. Mr. KAMAL (Pakistan) asked permission to introduce draft resolutions L.84 and L.85/Rev.1, in order to enable the members of the Commission to see how they differed from resolution L.80.

47. The CHAIRMAN suggested that the Commission should first take a decision on the Russian Federation's motion.

48. At the request of the representative of Cuba, a vote was taken by roll-call.

49. The CHAIRMAN, said that, to make the purpose of the vote quite clear, members who believed draft resolutions L.84 and L.85/Rev.1 had been made superfluous by the adoption of resolution L.80 should vote in favour of the Russian Federation's motion, and those who did not believe that the two new draft resolutions under consideration reproduced the contents of draft resolution L.80 should vote against the motion.

50. India, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Brazil, Canada, Cyprus, Finland, France, Hungary, Italy, Japan, Netherlands, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Malawi, Mauritania, Mauritius, Nigeria, Pakistan, Peru, Sudan, Syrian Arab Republic, Tunisia, Uruguay.

Abstaining: Angola, Austria, Barbados, Bulgaria, Germany, India, Mexico, Republic of Korea, Sri Lanka, Togo, Venezuela.

51. The Russian Federation's motion was rejected by 26 votes to 15, with 11 abstentions.

52. Mr. KAMAL (Pakistan), introducing draft resolution E/CN.4/1994/L.84, "Situation of human rights in the Republic of Bosnia and Herzegovina", on behalf of the sponsors, said the intention was not to compete with resolution L.80 but to supplement it. The draft specifically denounced the violations committed by Bosnian Serbs in the territory under their control, such as "ethnic cleansing", as well as similar acts being done by Bosnian Croat extremists, whose principal victims were Muslims. The draft reflected the remarks and the viewpoints expressed by numerous delegations in both form

and content, and the situation in Bosnia and Herzegovina needed to be dealt with in a separate resolution. He hoped that the draft would be adopted by consensus.

53. Mr. LEBAKINE (Secretary of the Commission) announced that Afghanistan, Albania, Algeria, Austria, Bahrain, Bosnia and Herzegovina, Chile, Kuwait, Morocco, Mauritius, Saudi Arabia, Turkey and United Arab Emirates had become sponsors of the draft resolution.

54. Mr. MALGINOV (Russian Federation) said he did not believe that the contents of the draft reflected the Special Rapporteur's conclusions on the situation in the former Yugoslavia. It was a partial and partisan draft that was not in keeping with the political settlement envisaged for Bosnia and Herzegovina and could well hinder it.

55. Mrs. FERRARO (United States of America) said that the United States would abstain in a vote on draft resolution L.84, which misused a number of terms. The United States had voted in favour of draft resolution L.80 in order to express its deep disgust at the violations being committed in the former Yugoslavia.

56. At the request of the representative of the Russian Federation, a vote was taken by roll-call on draft resolution E/CN.4/1994/L.84.

57. Italy, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, Finland, Gabon, Germany, Guinea-Bissau, Hungary, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Republic of Korea, Sudan, Sri Lanka, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.

Against: Russian Federation.

Abstaining: Cyprus, France, India, Italy, Japan, Malawi, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

58. Draft resolution E/CN.4/1994/L.84 was adopted by 41 votes to 1, with 10 abstentions.

59. The CHAIRMAN invited the Commission to consider draft resolution E/CN.4/1994/L.85/Rev.1 (Situation of human rights in Kosovo).

60. Mr. KAMAL (Pakistan), introducing the draft resolution on behalf of the sponsors, pointed out some minor changes in the preamble. In the second line of preambular paragraph 1, the word "and" should be replaced by a comma. In

preambular paragraph 4 (d), the words "other members of the medical profession" should be replaced by "members of other categories of the medical profession".

61. The sponsors of the draft resolution were particularly disturbed at the systematic discrimination and repression that victimized ethnic Albanians in Kosovo. The ethnic cleansing which the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) were discreetly practising against ethnic Albanians had reached alarming proportions. Hoping that the Commission would draw the international community's attention to the issue, the sponsors urgently demanded that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cease all human rights violations against ethnic Albanians in Kosovo, release all political prisoners, cease all persecution of political leaders and cooperate with the Conference on Security and Cooperation in Europe (CSCE) to enable the long-term mission to resume its activities immediately. It also urged the Secretary-General to explore ways and means to establish an adequate international monitoring presence in Kosovo. The sponsors of the draft resolution, which was the outcome of consultations among the various delegations concerned, hoped that it would be adopted without a vote.

62. Mr. LEBAKINE (Secretary of the Commission) announced that Albania, Algeria, Austria, Bahrain, Bosnia and Herzegovina, Chile, Germany, Kuwait, Mauritius, Saudi Arabia and Turkey had become sponsors of the draft resolution.

63. Mr. MALGINOV (Russian Federation) said that the question was given sufficient consideration in resolution L.80. In addition, in the Russian Federation's view draft resolution L.85/Rev.1 did not reflect all the Special Rapporteur's observations. He would not ask for a vote on the draft resolution but the Russian Federation would not participate in the decision on that question.

64. Draft resolution E/CN.4/1994/L.85/Rev.1 was adopted without a vote.

Draft resolution E/CN.4/1994/L.86/Rev.1 (Rape and abuse of women in the territory of the former Yugoslavia)

65. Mr. SIRAT (Malaysia), introducing the draft resolution on behalf of the sponsors, drew attention to a few minor changes in the text of the preamble. In the ninth paragraph the word "content" should be replaced by "context". In the twelfth paragraph, the number of the resolution of the Commission on the Status of Women should be "37/3". In the last paragraph, the symbol of the report on the situation of human rights in the territory of the former Yugoslavia was incorrect and should read "E/CN.4/1994/110".

66. The sponsors believed that the question involved and the fact that rape was being used as a weapon of war in the territory of the former Yugoslavia should continue to receive the international community's attention. The draft resolution was in keeping with the spirit of the resolution adopted on the question at the Commission's forty-ninth session, although some paragraphs had been eliminated in the interest of concision. It naturally took into account the report of the Secretary-General, "Rape and abuse of women in the areas of

armed conflict in the former Yugoslavia" (A/48/858) and that of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/110). It was the product of consultations with many delegations and the sponsors hoped it would be adopted by consensus.

67. Mr. LEBAKINE (Secretary of the Commission) announced that Albania, Australia, Austria, Bahrain, Bangladesh, Bosnia and Herzegovina, Canada, Chile, Colombia, Costa Rica, Denmark, France, Germany, Ireland, Kuwait, Liechtenstein, Luxembourg, Malawi, Mauritius, Myanmar, Netherlands, New Zealand, Norway, Philippines, Saudi Arabia, Sweden, Switzerland, Syrian Arab Republic and Turkey had become sponsors of the draft resolution.

68. Mr. MALGINOV (Russian Federation) said that he generally supported the text of the draft resolution and would join the consensus. However, his delegation was not entirely satisfied with all the nuances of the draft and believed that the sixth preambular paragraph, which was not very balanced, should be put to a vote. The Russian Federation had proposed an amendment which had been rejected by the sponsors; it would therefore abstain in the vote on that paragraph.

69. At the request of the representative of Cuba, a vote was taken by roll-call on the question of maintaining the sixth preambular paragraph of draft resolution E/CN.4/1994/L.86/Rev.1. The Netherlands, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Malawi, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Republic of Korea, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela.

Against: None.

Abstaining: India, Poland, Romania, Russian Federation and Sri Lanka.

70. The sixth preambular paragraph of draft resolution E/CN.4/1994/L.86/Rev.1 was maintained by 48 votes to none, with 5 abstentions.

71. Draft resolution E/CN.4/1994/L.86/Rev.1 was adopted without a vote.

Draft resolution E/CN.4/1994/L.87 (Situation of human rights in Togo)

72. Mr. MUCH (Germany), introducing the draft resolution on behalf of the sponsors, expressed appreciation for the efforts being made by the Togolese authorities towards democratization. The intention of the sponsors of the draft, who hoped that the situation would continue to improve, was to encourage the Togolese authorities in that direction; they hoped that it would

be possible to end consideration of the question at the Commission's next session. The text of the draft resolution under consideration was the product of consultations with the delegations concerned, including that of Togo, and the sponsors hoped that it would be adopted by consensus.

73. Mr. LEBAKINE (Secretary of the Commission) said that Belgium, Czech Republic, Denmark, Greece, Guinea-Bissau, Hungary, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and United Kingdom of Great Britain and Northern Ireland had become sponsors of the draft resolution.

74. Mr. BON BACAR (Guinea-Bissau) commended the tireless efforts being made by the authorities of the Republic of Togo towards democratization, despite the country's economic and social difficulties. He fully supported the draft resolution, but would like the following amendments to be made to paragraph 10: the word "relevant" should be inserted before the words "agenda item" and the end of the sentence, from the word "entitled" on, should be deleted.

75. Mr. MORA GODOY (Cuba), supported by Mr. FASEHUN (Nigeria) and Mr. ZHANG YISHAN (China), said they endorsed the amendment proposed by the representative of Guinea-Bissau, for the Togolese Government had expressed its willingness to cooperate with the Commission, and it would therefore be premature to decide under which agenda item the situation should be considered.

76. Draft resolution E/CN.4/1994/L.87, as amended, was adopted without a vote.

Draft resolution E/CN.4/1994/L.90 (Situation of human rights in the Sudan)

77. Mrs. FERRARO (United States of America), introducing the draft resolution on behalf of the sponsors, said that the human rights situation in the Sudan was extremely serious and that the Sudanese Government was not only failing to act but would not even acknowledge the facts. The sponsors called upon parties to the hostilities to respect fully the provisions of article 3 common to the Geneva Conventions of 1949, to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to halt the use of weapons against the civilian population. The sponsors were also deeply disturbed by the attitude of the Sudanese Government towards the Special Rapporteur. The draft resolution obviously did not introduce any religious considerations; it was simply asking the Sudan to respect the international instruments that it had freely ratified.

78. Mr. LEBAKINE (Secretary of the Commission) said that Luxembourg, Mauritius, Poland, Portugal and Spain had become sponsors of the draft resolution.

79. Mrs. LUKUDU (Sudan) said that the draft resolution was motivated by political considerations. It was based on the report of the Special Rapporteur (E/CN.4/1994/122) despite the fact that the Sudanese Government had proved that the report was non-objective, partial, selective, politicized and contrary to the letter and spirit of the Vienna Declaration and Programme of

Action. Although the Sudanese Government had expressed doubts regarding the suitability of the Special Rapporteur to continue his mission, it had not threatened the Special Rapporteur in any way. For its part, the Sudanese Government was extremely disturbed at the fact that the sponsors of the draft resolution shared the Special Rapporteur's somewhat provocative views of Islam. The draft resolution contradicted Article 2, paragraph 7, of the Charter of the United Nations, which stated that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State". The Commission was not, therefore, empowered to adopt a resolution asking a State to amend or repeal any of its laws. In addition, the draft resolution was outdated, for international and humanitarian organizations were operating throughout the country, and the donor Governments were welcome. The Government of the Sudan was called on to extend its full and unreserved cooperation and assistance to the Special Rapporteur, whereas the Special Rapporteur himself had rejected the opportunities to visit and acquaint himself with the situation in certain regions in the country. Her delegation would definitely vote against the draft resolution.

80. Mr. LEBAKINE (Secretary of the Commission), referring to the administrative, budgetary and financial implications of the draft resolution, said that it was within the scope of ongoing activities; resources would, therefore, be provided from the regular budget for the biennium 1994-1995.

81. At the request of the representative of the Sudan, a vote was taken by roll-call on draft resolution E/CN.4/1994/L.90.

82. Côte d'Ivoire, having been drawn by lot by the Chairman, was called upon to vote first.

In favour:	Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Lesotho, Malawi, Mauritius, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Russian Federation, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.
Against:	Bangladesh, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.
Abstaining:	Cameroon, Guinea-Bissau, Kenya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Togo.

83. Draft resolution E/CN.4/1994/L.90 was adopted by 35 votes to 9, with 9 abstentions.

The meeting rose at 6.05 p.m.